Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REALNETWORKS, INC., a Washington corporation, Plaintiff, v. MLB ADVANCED MEDIA, L.P., a Delaware limited partnership, Defendant.	Case No. CV04-051FDB **PLAINTIFF'S MOTION TO FILE CERTAIN DOCUMENTS UNDER SEAL**

Pursuant to Fed. R. Civ. P. 5, plaintiff RealNetworks, Inc. ("RealNetworks") respectfully moves this Court for permission to file its Motion for a Preliminary Injunction and related pleadings under seal. Documents may be filed under seal upon a showing that the public's right of access is outweighed by the interests of the public and the parties in protecting the documents from public view. *Id.*

The terms of RealNetworks' current 2004-05 MLBAM Contract with MLB Advanced Media, L.P. ("MLBAM"), and the terms of RealNetworks' prior contract with MLBAM, impose certain obligations on the parties: "to communicate jointly and to coordinate statements regarding the MLBAM and RealNetworks relationship," and to maintain the confidentiality of each party's confidential business information. Throughout the course of their business relationship, the parties have communicated to each other confidential information pertaining to the 2004-05 MLBAM Contract and other related business dealings. Pursuant to the obligations

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imposed by the 2004-05 MLBAM Contract, RealNetworks and MLBAM have made significant efforts to keep such information confidential from competitors and the public. Consequently, the documents proposed to be filed under seal contain confidential and business information belonging to RealNetworks and MLBAM, which, if disclosed to the public or the parties' competitors may unfairly and adversely affect competition.

RealNetworks' filings also necessarily contain highly sensitive business information regarding its products and business activities which are usually kept confidential by the company. This information is essential to fully and accurately present RealNetworks' claims to the Court. Filing under seal is necessary to ensure that RealNetworks can present evidence and factual information essential to the Court's determination of the case without risk that such information will be disseminated to competitors or the public at large.

RealNetworks contemplates that, given time and opportunity, the parties will negotiate and agree upon the terms of an appropriate Protective Order that will apply to the parties' confidential information. Upon issuance of such Protective Order, the necessity of retaining these documents under seal should be reviewed. Until such time that a Protective Order is issued by the Court, however, RealNetworks requests that its highly sensitive business information be protected under seal.

A copy of the proposed order is filed with this motion.

DATED this 22nd day of March, 2004.

Respectfully submitted,

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By: ______________________
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CERTIFICATE OF SERVICE

I do hereby certify that on this 22nd day of March, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Laurene E. Somerville, James L. Magee, G. Michael Halfenger and Mary K. Braza, attorneys for Defendant MLB Advanced Media LP.

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